

ORIGINAL

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FILED

DISTRICT COURT OF GUAM

MAR - 1 2006 *huber*

**MARY L.M. MORAN
CLERK OF COURT**

7 **IN THE UNITED STATES DISTRICT COURT**

8 **FOR THE DISTRICT OF GUAM**

9 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 05-00053

10) **THIRD SUPERSEDING INDICTMENT**

11) Plaintiff,) **CONSPIRACY TO DISTRIBUTE**
12)) **METHAMPHETAMINE HYDROCHLORIDE**
13) [21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and 846])
14) (COUNT 1))

15) vs.) **POSSESSION WITH INTENT TO DISTRIBUTE**
16)) **METHAMPHETAMINE HYDROCHLORIDE**
17) [21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and)
18) 18 U.S.C. § 2])
19) (COUNT 2))

20) CHRISTOPHER M. ESPINOSA,) **MONEY LAUNDERING CONSPIRACY**
21) and BRIAN WILLIAM ELM,) [18 U.S.C. §§ 1956(h)])
22) (COUNT 3))

23) Defendants.) **MONEY LAUNDERING**
24)) [18 U.S.C. §§ 1956(a)(1)(A)(i) and 2])
25) (COUNTS 4 thru 19))

26 THE GRAND JURY CHARGES:

27 **COUNT 1 - CONSPIRACY TO DISTRIBUTE METHAMPHETAMINE
HYDROCHLORIDE**

28 Beginning at a time unknown, but at least in or about the month of June, 2004 through on
or about June 18, 2005, in the District of Guam and elsewhere, the defendants, CHRISTOPHER
M. ESPINOSA and BRIAN WILLIAM ELM, and other persons known and unknown to the
grand jury, did unlawfully, intentionally, and knowingly combine, conspire, confederate and

1 agree together and with others, to distribute over 50 grams of methamphetamine hydrochloride, a
2 schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1),
3 (b)(1)(A)(viii), and 846.

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5 **COUNT 2 - POSSESSION WITH INTENT TO DISTRIBUTE**
METHAMPHETAMINE HYDROCHLORIDE

6 On or about June 18, 2005, in the District of Guam, the defendant herein,
7 CHRISTOPHER M. ESPINOSA, and other persons known to the grand jury, did unlawfully and
8 knowingly possess with intent to distribute over 50 grams of methamphetamine hydrochloride, a
9 schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1),
10 (b)(1)(A)(viii), and Title 18, United States Code Section 2.

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12 **COUNT 3 - MONEY LAUNDERING CONSPIRACY**

13 Beginning in about June, 2004 and continuing thereafter to in about June 18, 2005, more
14 exact dates being unknown to the Grand Jury, in the District of Guam, the defendants
15 CHRISTOPHER M. ESPINOSA and BRIAN WILLIAM ELM, together with others known and
16 unknown to the Grand Jury, knowing that the property involved in financial transactions
17 represented the proceeds of some form of unlawful activity, did knowingly and intentionally
18 combine, conspire, confederate and agree together and with each other to conduct such financial
19 transactions affecting interstate and foreign commerce, which transactions in fact involved the
20 proceeds of a specified unlawful activity, namely, possession with intent to distribute
21 methamphetamine hydrochloride, in violation of Title 21, United States Code, Section 841, and
22 conspiracy to possess with intent to distribute methamphetamine hydrochloride, in violation of
23 Title 21, United States Code, Section 846; with the intent to promote the carrying on of said
24 specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

25 All in violation of Title 18, United States Code, Section 1956(h).

COUNTS 4 TO 7 - MONEY LAUNDERING

On or about the dates listed below in the District of Guam and elsewhere,

CHRISTOPHER M. ESPINOSA and others known to the Grand Jury, with the intent to promote the carrying on of specified unlawful activity, that is, possession with intent to distribute methamphetamine hydrochloride, in violation of Title 21, United States Code, Section 841 and conspiracy to possess with intent to distribute methamphetamine hydrochloride, in violation of Title 21, United States Code, Section 846, did knowingly conduct and attempt to conduct the following financial transactions affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, that is, possession with intent to distribute methamphetamine hydrochloride, a violation of Title 21, United States Code, Section 841 and that while conducting and attempting to conduct the financial transactions as described below, CHRISTOPHER M. ESPINOSA knew that the property involved in the financial transactions represented some form of specified unlawful activity:

Count	Date	Transaction Description	From	To	Amount
4	04/12/05	Transfer of Funds	Bank of Hawaii Account # 6038-056330	Bank of America, Account # 004971268812	\$7,925.00
5	04/20/05	Transfer of Funds	Bank of Hawaii Account # 6038-056330	Bank of America, Account # 004971268812	\$7,925.00
6	06/03/05	Wire Transfer	Western Union	Christopher M. Espinosa	\$921.00
7	06/09/05	Wire Transfer	Western Union	Christopher M. Espinosa	\$3,816.00

All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

COUNTS 8 TO 19 - MONEY LAUNDERING

On or about the dates listed below in the District of Guam and elsewhere, BRIAN WILLIAM ELM and others known to the Grand Jury, with the intent to promote the carrying on

1 of specified unlawful activity, that is, possession with intent to distribute methamphetamine
2 hydrochloride, in violation of Title 21, United States Code, Section 841 and conspiracy to
3 possess with intent to distribute methamphetamine hydrochloride, in violation of Title 21, United
4 States Code, Section 846, did knowingly conduct and attempt to conduct the following financial
5 transactions affecting interstate and foreign commerce, which involved the proceeds of a
6 specified unlawful activity, that is, possession with intent to distribute methamphetamine
7 hydrochloride, a violation of Title 21, United States Code, Section 841 and that while conducting
8 and attempting to conduct the financial transactions as described below, BRIAN WILLIAM ELM

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1 knew that the property involved in the financial transactions represented some form of specified
2 unlawful activity:

Count	Date	Transaction Description	Amount	Financial Institution	Account Number
8	10/13/04	Deposit	\$1,000.00	Bank of Guam	202214688
9	11/06/04	Deposit	\$800.00	Bank of Guam	202214688
10	11/08/04	Deposit	\$800.00	Bank of Guam	202214688
11	11/19/04	Deposit	\$1,600.00	Bank of Guam	202214688
12	11/26/04	Deposit	\$800.00	Bank of Guam	202214688
13	12/23/04	Deposit	\$800.00	Bank of Guam	202214688
14	01/03/05	Deposit	\$2,950.00	Bank of Guam	202214688
15	01/18/05	Deposit	\$1,000.00	Bank of Guam	202214688
16	02/03/05	Deposit	\$1,000.00	Bank of Guam	202214688
17	02/04/05	Deposit	\$1,000.00	Bank of Guam	202214688
18	02/18/05	Deposit	\$1,900.00	Bank of Guam	202214688
19	02/25/05	Deposit	\$2,000.00	Bank of Guam	202214688

16 All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

17 Dated this 15 day of March, 2006.

18 A TRUE BILL.



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21 Foreperson

22 LEONARDO M. RAPADAS
23 United States Attorney
24 Districts of Guam and NMI

25 By: 
26 RUSSELL C. STODDARD
27 First Assistant U.S. Attorney

Place of Offense:City Hagåtña**Related Case Information:**Country/Parish N/ASuperseding Indictment Docket Number 05-00053
Same Defendant XX New Defendant
Search Warrant Case Number
R 20/ R 40 from District of **Defendant Information:**Juvenile: Yes No X Matter to be sealed: Yes X NoDefendant Name CHRISTOPHER M. ESPINOSA**RECEIVED**
MAR - 1 2006Allisas Name **DISTRICT COURT OF GUAM**
HAGATNA, GUAMAddress Hagatna, GuamBirthdate 1980 SS# Sex M Race Nationality **U.S. Attorney Information:**FAUSA Russell C. StoddardInterpreter: XX No Yes List language and/or dialect: **Location Status:**Arrest Date Already in Federal Custody as of in Already in State Custody On Pretrial Release**U.S.C. Citations**Total # of Counts: 7 Petty Misdemeanor X Felony

	Index Key/Code	Description of Offense Charged	Count(s)
Set	<u>1 and 846</u>	<u>21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) Conspiracy to Distribute Methamphetamine Hydrochloride</u>	<u>1</u>
Set	<u>2 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) Possession with Intent to Distribute and 18 U.S.C. § 2</u>	<u>Methamphetamine Hydrochloride</u>	<u>2</u>
Set	<u>2 18 U.S.C. § 1956(h)</u>	<u>Money Laundering Conspiracy</u>	<u>3</u>
Set	<u>3 18 U.S.C. §§ 1956(a)(1)(A)(i) and 2</u>	<u>Money Laundering</u> (May be continued on reverse)	<u>4 to 7</u>

Date: 3-1-06Signature of FAUSA: 

Criminal Case Cover Sheet

Place of Offense:

City Hagåtña

Related Case Information:

Country/Parish N/ASuperseding Indictment Docket Number 05-00053
Same Defendant XX New Defendant
Search Warrant Case Number
R 20/ R 40 from District of

Defendant Information:

Juvenile: Yes No XMatter to be sealed: Yes X No Defendant Name BRIAN WILLIAM ELMAllisas Name Address Hagatna, GuamBirthdate 1975 SS# 3861 Sex M Race Nationality

U.S. Attorney Information:

FAUSA Russell C. StoddardInterpreter: XX No Yes List language and/or dialect:

Location Status:

Arrest Date Already in Federal Custody as of in Already in State Custody On Pretrial Release

U.S.C. Citations

Total # of Counts: 14 Petty Misdemeanor X Felony

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count(s)</u>
Set 1	<u>1 and 846</u>	<u>21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) Conspiracy to Distribute Methamphetamine Hydrochloride</u>	<u>1</u>
Set 2	<u>2 18 U.S.C. §§ 1956(h)</u>	<u>Money Laundering Conspiracy</u>	<u>3</u>
Set 3	<u>3 18 U.S.C. §§ 1956(a)(1)(A)(i) and 2</u>	<u>Money Laundering</u>	<u>8 to 19</u>
Set 4	<u> </u>	<u> </u>	<u> </u>

(May be continued on reverse)

Date 3-1-06Signature of FAUSA: **RECEIVED**

MAR - 1 2006

DISTRICT COURT OF GUAM
HAGATNA, GUAM